

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEANDER B. BROOKS,)	CASE NO. 1:16-cv-1049
)	
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OF OPINION
)	AND ORDER
STATE OF OHIO,)	
)	
)	
RESPONDENT.)	

On May 2, 2016, petitioner pro se Leander B. Brooks filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Brooks seeks to challenge his convictions, in the Richland County Court of Common Pleas, for aggravated murder, aggravated robbery, aggravated burglary, tampering with evidence, and receiving stolen property. For the reasons stated below, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, a petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

Petitioner's sole ground in support of the petition is unclear, but asserts his rights under the Fourth, Fifth, Sixth, and Fourteenth Amendments were violated. The petition states that Brooks has not yet sought review of his convictions in the Ohio Supreme Court. (Doc. No. 1-2.)

Such review may be available, see Ohio Sup. Ct. R. P. 7.01(A)(4)(a), and must be sought in order to exhaust state court remedies. *Rust v. Zent*, 17 F.3d 155, 160 (6th Cir. 1994).

Based on the foregoing, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases, without prejudice to refiling upon exhaustion of state court remedies. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

Dated: May 6, 2016


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE